IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2053 OF 2006

Hikal Ltd. and Ors. .. Petitioners
Versus
The State of Maharashtra
and Ors. .. Respondents

Mr. Kalpesh Joshi i/b. M/s. Malvi Ranchoddas & Co. for the Petitioners
Mr. D.S. Mhaispurkar, APP for the State

CORAM : S.B. MHASE,
& S.R. SATHE, JJ.
DATED : 16th NOVEMBER, 2006

P.C. :-

Petitioner is a company manufacturing chemicals. They used the furnace oil as a fuel for the boilers in their Unit at Mahad. The said furnace oil can be used only after obtaining license under Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order 2000 and therefore, the offence was registered.

However, subsequently, the said license has been obtained on April-2006. Therefore the offence only survives for an earlier period of April-2000 to 2006. For exemption of the same offence, already the representation is made on 17/05/2006 which is addressed to the several authorities and the copies of the same

have been also tendered to the Additional Collector, District Supply Officer and Tahasildar. These authorities are Competent Authorities under the said Essential Commodities Act and the said authority is to initiate and take action for prosecution and therefore, by this Petition, Petitioner has requested for exemption from the offence and the punishment. Grievance of the Petitioner can be redressed if the representation is decided by the concerned authorities namely the Collector, Alibag.

Therefore, the Collector, Alibag is hereby directed to decide the representation dated 17/05/2006 within a period of 8 weeks. In view of the direction, petition is disposed of. The said representation shall be disposed of after hearing the petitioner on its own merit.

(S.R. SATHE, J.) ***(S.B. MHASE, J.)***